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Second report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1719 (2006) by which the Council requested me to keep it regularly informed on the activities of the United Nations Integrated Office in Burundi (BINUB). The report provides an update on major developments in Burundi since my previous report (S/2007/287) of 17 May 2007. It highlights progress achieved and the remaining peace consolidation challenges.

II. Major developments

Political developments

2. The political situation deteriorated considerably during the reporting period. Increased internal divisions within the ruling Conseil National pour la défense de la démocratie-forces pour la défense de la démocratie (CNDD-FDD) triggered a political crisis that paralysed the work of the Parliament and other national institutions. The situation was further aggravated by serious setbacks in the implementation of the comprehensive ceasefire agreement, signed by the Government of Burundi and the Palipehutu-Forces nationales de liberation (FNL) on 7 September 2006.

3. The continued detention since 27 April of former CNDD-FDD Chairman, Hussein Radjabu, deepened divisions within the ruling party. Some 22 from a total of 46 CNDD-FDD members of Parliament aligned themselves with Mr. Radjabu, resulting in the ruling party's loss of majority in Parliament. Opposition parties that had contested the constitutionality of the Government's composition capitalized on the split by pressuring the Government to meet their power-sharing and good governance demands. In this regard, opposition parties and pro-Radjabu members of Parliament began boycotting the work of the Parliament.

4. As a result, only 3 of the 34 bills tabled during the first parliamentary session of 2007 were adopted. The National Assembly's second plenary session, which had been scheduled to begin on 21 June, was delayed due to the boycott. Following pressure from civil society and engagement by international partners, the opposition

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parties agreed to participate selectively in parliamentary sessions. This resulted in the adoption of eight bills, including those related to the disbursement of budgetary support.

5. On 27 June, in reaction to repeated calls for dialogue from opposition parties, President Pierre Nkurunziza invited the political parties to submit within 24 hours nominations for a reshuffled cabinet. The Union pour le progrès national (UPRONA) and the Front pour la démocratie au Burundi (FRODEBU) did not submit names and, on 13 July, President Nkurunziza nominated a cabinet that included FRODEBU and UPRONA members who had neither been nominated nor endorsed by their parties. On 18 July, UPRONA suspended First Vice-President Martin Nduwimana from the party for supporting President Nkurunziza's cabinet reshuffle. The President's unilateral decision further compounded the stalemate and aggravated tensions.

6. On 10 August, a national newspaper, reportedly with the backing of some Government officials, published pictures and personal details of 40 opposition parliamentarians, accusing them of spearheading the political paralysis. On 16 August, 67 parliamentarians addressed a letter to President Nkurunziza requesting genuine dialogue with the political opposition and implementation of the comprehensive ceasefire agreement. Several prominent CNDD-FDD members of Parliament were among the signatories, which further exacerbated the divisions within the ruling party. Tensions heightened further on 19 August, when grenade attacks targeted the residences of five opposition members, four of whom had signed the 16 August letter.

7. The attacks did not harm the individuals concerned and were condemned by the Government, the National Assembly and opposition parties, as well as the African Union and BINUB. When the FRODEBU spokesperson accused the Government of orchestrating the attacks, national security services attempted to arrest him for allegedly defaming the Government. The spokesperson went into hiding, reappearing following the resumption of dialogue between President Nkurunziza and FRODEBU. The inquiry into the grenade attacks has to date not led to arrests or prosecutions.

8. Dialogue resumed between President Nkurunziza and the FRODEBU and UPRONA opposition parties on 21 August. Extensive consultations with FRODEBU ensued while talks with UPRONA halted due to internal divisions within the party over the role of First Vice-President Nduwimana.

9. The UPRONA split deepened when the party's Executive Bureau voted on 23 August to exclude Mr. Nduwimana from the party. The First Vice-President deemed the decision illegal. His supporters and police forces cordoned off the party's headquarters, denying access to UPRONA President, Aloys Rubuka. On 15 September, the Central Committee of UPRONA convened in a public venue and overwhelmingly confirmed the exclusion of the First Vice-President. On 29 September, Mr. Rubuka successfully appealed to the Presidency and regained access to the party's headquarters. In early October, President Nkurunziza initiated dialogue with UPRONA.

10. On 14 September, CNDD-FDD members of Parliament loyal to Hussein Radjabu addressed a letter to the Chairman of the Regional Peace Initiative, President Yoweri Kaguta Museveni of Uganda, denouncing the Government's

engagement in dialogue with the opposition. Nevertheless, this dialogue produced its first results on the eve of the third parliamentary session. On 27 September, President Nkurunziza announced that consultations with opposition parties had led to agreements on long-standing issues, including respect for the activities of the opposition parties, the reinstatement of wrongfully dismissed FRODEBU communal administrators and the investigation of prominent corruption cases.

11. The President's announcement was followed by some important measures, including the Minister of Interior's meeting with political parties on 27 September to discuss a new law on their activities; the reinstatement of two FRODEBU communal administrators; and the National Assembly's reinstatement of CNDD-FDD member of Parliament Mathias Basabose and CNDD President Léonard Nyangoma. The National Assembly also established a commission to investigate the controversial sale of the Presidential jet. The President's speech and ensuing measures were welcomed by national and international stakeholders.

12. Following several weeks of negotiations with the President, UPRONA announced on 4 November that agreement had been reached, including on the replacement of First Vice-President Nduwimana. On 8 November, UPRONA member of Parliament Yves Sahinguvu replaced the First Vice-President, who had announced his resignation.

13. A Government of national unity was appointed on 14 November comprising 19 ministers and 7 vice-ministers. Six ministerial posts were allocated to FRODEBU and three to UPRONA. New appointments included the Minister of Interior and Public Security, the Minister of Commerce and Industry and the Minister of Public Health. The new cabinet, which was sworn in on 16 November, is in full compliance with constitutional provisions regarding party, ethnic and gender representation, and has been welcomed by national actors.

14. BINUB remained in close contact with national actors and provided good offices to try to resolve the political crisis throughout the reporting period. Meetings with political parties and civil society were also organized to encourage broad-based national action for dialogue.

15. Despite some challenges, relations between the Government and the national media continued to improve. President Nkurunziza met on several occasions with the press, during which he emphasized the importance of the media and his commitment to press freedom. He further recalled that the media had yet to fulfil the commitment made earlier in the year to appoint a focal point to facilitate permanent dialogue with the Government. At the same time, on 25 September, President Nkurunziza promulgated a National Communications Council, whose independence was questioned by the Burundian Journalists Association. Reports of isolated cases of harassment of journalists by the police also continued during the reporting period.

16. BINUB, in collaboration with the Government, organized a workshop on the legal and regulatory framework of the media. In coordination with the Department of Public Information, BINUB organized three communications skills and strategies seminars for Government ministers. These seminars, in which President Nkurunziza participated, were well received and contributed towards BINUB efforts to support the professionalization of the media, improve its relations with the Government and enhance the Government's strategic communications skills.

Implementation of the comprehensive ceasefire agreement

17. The peace process suffered serious setbacks during the reporting period and none of the benchmarks outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1) in this area have been met. Attempts to address the political and other impediments to the implementation of the comprehensive ceasefire agreement have not succeeded. This period also witnessed the resumption of sporadic armed clashes, including between the National Defence Forces and FNL elements for the first time since the ceasefire came into effect in 2006.

18. Following mediation by the Regional Peace Initiative, President Nkurunziza and FNL leader Agathon Rwasa met in Dar es Salaam on 17 June. The closed-door meeting led to the reactivation on 29 June of the Joint Verification and Monitoring Mechanism, the body charged with overseeing the implementation of the agreement. However, the absence of a public statement after the meeting led to protracted debates within the Monitoring Mechanism, during which the FNL delegation continued to reiterate its political demands. These included the need for an agreement on the modalities for FNL inclusion in the national institutions and conclusion of a forces technical agreement to determine the positions former FNL combatants would occupy in the national security forces; the demilitarization of FDN in parts of the country; and the release of FNL prisoners. In response, the Chairman of the Monitoring Mechanism clarified that political issues were beyond the mandate of the Monitoring Mechanism.

19. On 21 July, the head of the FNL delegation to the Joint Verification and Monitoring Mechanism unexpectedly left Bujumbura. By 25 July, the remaining 11 members of the FNL delegation followed suit. Subsequent FNL statements claimed that the withdrawal from the Monitoring Mechanism was in protest against restrictions imposed on their delegation by the African Union Special Task Force charged with protecting it. FNL also accused the South African Facilitation of the peace process of partiality towards the Government and has refused to interact with it since July.

20. Internal divisions within FNL reportedly emerged in August when groups of alleged FNL dissidents started gathering near FDN positions in the north-western provinces. The alleged dissidents reportedly broke away due to the refusal of the FNL leadership to rejoin the peace process. According to the Government, as at 16 November, some 2,500 alleged FNL dissidents had come forward requesting demobilization or integration into the security forces.

21. The Government first regrouped the alleged FNL dissidents in Buterere. They were subsequently moved to Rugazi in Bubanza province, following an attack on 4 September by FNL (Rwasa) that resulted in the death of over 20 alleged dissidents. In September, more alleged dissidents gathered in Kabezi in Bujumbura Rural and the former demobilization site in Randa in Bubanza province. FNL (Rwasa) has accused the Government of deliberately inciting splits within its ranks and has subsequently carried out two further attacks against the alleged dissidents.

22. In the meantime, the South African Facilitation and the regional technical team met in Pretoria on 26 September to discuss ways to reactivate the peace process. Following this meeting, the Government of the United Republic of Tanzania set an ultimatum for the FNL leadership based in the United Republic of Tanzania to rejoin the process. The South African Facilitator also undertook a series of consultations,

including with the leaders of the Regional Peace Initiative and President Nkurunziza. He subsequently announced the establishment of a Bujumbura-based political directorate, chaired by the South African Special Envoy for the Great Lakes Region, and composed of the African Union Special Representative, my Executive Representative for Burundi and the Ambassadors of South Africa and the United Republic of Tanzania to Burundi. It was envisaged that the political directorate would address the political obstacles arising from the implementation of the comprehensive ceasefire agreement. However, as at 16 November, it had only dealt with the pressing food, health, shelter and security needs of the growing numbers of the alleged dissidents.

23. On 20 October, the South African Facilitation reconvened the Joint Verification and Monitoring Mechanism to address the question of the alleged FNL dissidents. Although it was invited, FNL did not participate in the meeting. Following a visit by the Facilitation and other Monitoring Mechanism members to the Randa site, an ad hoc committee was established, composed of representatives of the Government and the Facilitation. The committee was assigned the task of planning the transfer of alleged FNL dissidents to Randa, while the African Union Special Task Force started to prepare the site for that purpose. The joint liaison team of the Monitoring Mechanism on assembly areas was to prepare for the identification of the alleged FNL dissidents on the understanding that the process would not amount to awarding combatant status to those individuals.

24. From 23 to 26 October, a Multi-country Demobilization and Reintegration Programme mission to Burundi reviewed the national demobilization, reinsertion and reintegration programme. The mission met with Government representatives, BINUB and other partners to clarify that the alleged dissidents must be identified as FNL combatants to be eligible for the national reintegration programme, in accordance with the agreement concluded on 2 April 2004 between the Government and the Multi-country Demobilization and Reintegration Programme.

25. On 3 November, FDN transported 452 alleged FNL dissidents from Kabezi to Randa. The African Union Special Task Force escorted the convoy and the National Defence Forces secured the route. As at 16 November, some 1,300 alleged FNL dissidents had been gathered at Randa. On 8 November, the Government transferred approximately 1,200 alleged FNL dissidents from Rugazi to the outskirts of Cibitoke, in the vicinity of a school. This move provoked protests by the students after the alleged dissidents started to use the school's facilities. Although the Government announced that measures had been taken to ensure the school's security, students, civil society organizations and members of Parliament from Cibitoke continued to protest the situation, which remained fluid as at 16 November.

26. On 5 October, in a letter to the Under Secretary-General for Peacekeeping Operations, the Permanent Representative of Burundi to the United Nations requested urgent humanitarian support for the alleged FNL dissidents. In this context, BINUB facilitated consultations between the Government, humanitarian agencies and representatives of international partners to discuss this request. Since the alleged FNL dissidents were armed, it was determined that they could not be supported as a humanitarian case. Many also felt that the alleged FNL dissidents did not meet the criteria for the arrangements made by international partners in support of the implementation of the agreement to provide food and basic medical supplies to verified FNL combatants. Although the South African Facilitation has provided

basic provisions to temporarily sustain the alleged dissidents at Randa, the handling of a growing caseload will be increasingly challenging.

27. In July, I expressed my concern at how the peace process was evolving. I urged FNL to return to the Joint Verification and Monitoring Mechanism without delay and called upon both parties to refrain from any actions that might lead to a resumption of hostilities. I also asked my Executive Representative for Burundi to remain engaged with regional partners to help the parties re-establish dialogue. In addition, I contacted the Vice-Chairmen of the Regional Peace Initiative for Burundi, President Jakaya Mrisho Kikwete of the United Republic of Tanzania, to discuss the matter and to assure the Initiative of the United Nations full support. In the meantime, BINUB has been assisting the process, in particular the provision of technical assistance to the Monitoring Mechanism and the African Union Special Task Force. Despite the absence of FNL, BINUB is, at the request of the Facilitation, also participating as an observer in the Monitoring Mechanism and its associated joint liaison teams.

Security situation

28. Overall, the security situation in Burundi has deteriorated considerably since my previous report. The highest crime rates were recorded in Bujumbura and Bujumbura Rural, where the incidence of armed robberies and theft has increased. On 16 November, the Government re-imposed a curfew on roads serving Bujumbura. The curfew, which had been lifted in 2006, starts at 1800 hours until 0700 hours. Bujumbura, Bubanza and Cibitoke remain in security phase III, while the remaining provinces are in security phase II.

29. The reporting period was marked by a surge in the number of ambushes on highways, an increase in the number of armed robberies, especially within the capital, grenade attacks and sporadic gunfire. The high number of small arms and grenades in circulation as well as the continued influx of illicit weapons into the country are considered factors impacting the security situation. Widespread poverty and the high level of unemployment also continue to be contributing factors. The deterioration of the overall security situation has not affected United Nations staff in a significant way.

Regional developments

30. On 1 July, Burundi became a full-fledged member of the East African Community. In early October, Ministers of the Community visited regional integration projects in Burundi and met with Government and private sector representatives as part of the monitoring and evaluation activities of the Community.

31. On 28 June, the National Assembly ratified the Pact on Security, Stability and Development in the Great Lakes Region, making Burundi the first signatory to ratify the Pact. The United Nations Development Programme (UNDP) and BINUB supported the establishment of the Executive Secretariat of the International Conference on the Great Lakes Region in Bujumbura and BINUB is continuing to provide it with technical assistance. BINUB also participated in the meeting of the Regional Inter-ministerial Committee of the Conference in Nairobi on 8 and 9 November.

32. A number of regional security coordination meetings were held during the reporting period. On 27 and 28 August, military representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda met in Kigali and agreed on the establishment of a joint planning cell to prepare operations against "negative forces" in the region. The establishment of the cell was endorsed by the Tripartite Plus Joint Commission at its meeting held in Kampala from 15 to 17 September.

III. Activities related to the Peacebuilding Commission

33. The Peacebuilding Commission has continued to follow the situation in Burundi closely. With the active support of BINUB, the Government and the Commission developed a Strategic Framework for Peacebuilding in Burundi (PBC/1/BDI/4, annex). Following consultations between Commission members, the Government and key stakeholders on the ground, the Commission endorsed the Strategic Framework on 20 June as an important step towards the development of an integrated peacebuilding strategy for Burundi. The Framework, which identifies eight peacebuilding priorities, is expected to guide the engagement and dialogue between the Government and the Commission, as well as other stakeholders.

34. A monitoring and tracking mechanism for the Strategic Framework is being elaborated with BINUB support. The mechanism will allow Burundi, the Peacebuilding Commission and other stakeholders to review progress towards the achievement of peacebuilding objectives and assess their contributions to those objectives. This mechanism will be part of the Partners' Coordination Group referred to in paragraph 71 below. Informal meetings of the Commission and in Bujumbura are taking place to finalize the development of this mechanism, which is expected to be adopted by the Commission on 26 November.

35. In view of the overall deteriorating situation, the Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Norway to the United Nations, Johan L. Løvald, undertook a fact-finding mission to Burundi from 5 to 7 September. During his visit, the Chairman noted with concern a general sense of uncertainty, given developments in the peace process, but welcomed the President's initiatives for political dialogue and expressed full support for efforts by the Regional Peace Initiative and the South African Facilitation towards implementation of the comprehensive ceasefire agreement.

36. On the return of the Chairman to New York, the Peacebuilding Commission adopted conclusions and recommendations (PBC/2/BDI/2, annex), in which it called upon key stakeholders to promptly resolve issues related to the fragile budgetary situation, the parliamentary deadlock and the withdrawal of FNL from the Joint Verification and Monitoring Mechanism.

37. As at 16 November, the Joint Peacebuilding Steering Committee, comprising representatives of the Government, civil society, BINUB and national and international partners, approved 12 projects for a total amount of $28,683,000, out of the $35 million awarded to Burundi from the Peacebuilding Fund. The projects correspond to the four areas of the peacebuilding priority plan, endorsed by the Commission in December 2006, and are aligned to the BINUB mandate. These include four good governance projects, four security sector reform projects, three human rights and justice projects and one project supporting the peaceful resolution

of land disputes. Several of the projects are in the early phase of implementation. The objectives of the projects are detailed in sections IV and V of the present report.

IV. United Nations integration

38. As indicated in my previous report, BINUB has developed three joint thematic programmes within the framework of the United Nations integrated peace consolidation support strategy in the areas of peace and governance; security sector reform and small arms; and human rights and justice, including transitional justice. These programmes aim to support the achievement of the benchmarks outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1).

39. In order to enhance the impact of its integrated peace consolidation support strategy, the United Nations system in Burundi is taking further steps towards integration at the strategic, programmatic and operational levels. In addition to three joint thematic programmes in the areas of health, education and HIV/AIDS, the United Nations is developing another joint programme that provides an integrated response to the needs of returnees and other vulnerable groups. Special attention has been given to the empowerment of women and children and the creation of socio-economic incentives for peace at the community level, as outlined in paragraph 69 below.

40. In accordance with Security Council resolutions 1325 (2000) and 1719 (2006), BINUB continued to incorporate a gender perspective into planning and mandate implementation processes. The Gender Group, chaired by my Executive Representative and composed of United Nations system focal points, became fully operational during the reporting period. In recognition of the specific needs of women and their contributions to the sustainability of peace, the Group has integrated a gender dimension and gender-sensitive indicators in all the joint programmes and the projects funded under the Peacebuilding Fund. Additionally, the Group conducted advocacy campaigns to promote the rights of women and to decry gender-based violence.

V. Peace consolidation challenges

Democratic governance

41. Given the precarious political situation, the widespread corruption, and the need for enhancing national capacity to provide basic services, BINUB has developed with the Government a project funded by the Peacebuilding Fund aimed at achieving the gradual integration of a democratic culture into national institutions. It aims to do so by creating self-sustaining national frameworks for dialogue among the main national stakeholders, including national and local elected officials, political parties, civil society, women's associations, the private sector, religious groups, trade unions and the media.

42. Preparatory activities for this project, including the identification of potential participants and awareness-raising, have been completed. A joint technical committee, composed of representatives of the Government, civil society and BINUB, started work in August, identifying 24 political parties and some 2,300 civil

society organizations operating nationwide at the provincial and local levels. This project is scheduled to be officially launched before the end of the year.

43. BINUB is also supporting the Government in its fight against corruption through a project funded by the Peacebuilding Fund. The project would support anti-corruption mechanisms that were created in 2006. In this regard, the anti-corruption court and the "anti-corruption brigade", as well as nine regional branches, are receiving support from BINUB, allowing them to become fully operational countrywide. BINUB will also work closely with the World Bank, which launched a national survey on corruption in Burundi on 12 November. Other governance activities include the preparatory work for a general population census, to be held in 2008 with support from the United Nations Population Fund (UNFPA), the European Union and the United Kingdom of Great Britain and Northern Ireland.

Security sector reform

44. Supporting the development of an overall plan for security sector reform is a mandated task for BINUB and one of the benchmarks outlined in the report of the Secretary-General (S/2006/429/Add.1). However, the Government has informed BINUB that it does not wish to engage in the development of such a plan. Instead, the Government is pursuing parallel reforms in each pillar of the security sector.

45. Subsectoral plans have already been finalized for both the National Defence Forces and the Burundi National Police. In June, the Ministry of National Defence and Veterans' Affairs presented a five-year plan for the National Defence Forces to the international community. The plan focuses on the need to reinforce the political neutrality of the National Defence Forces and fostering the emergence of a professional force. This includes clarifying the role of the National Defence Forces in relation to the Burundi National Police; adjusting its strength in accordance with its tasks and available financial resources; upgrading personnel, financial and operational management capacity; and provision of adequate training.

46. With support from BINUB and bilateral partners, the Burundi National Police has developed a 10-year (2007-2017) strategic development plan, expected to be adopted by the Government before the end of the year. The plan articulates the Government's overall strategy for the operationalization of the Burundi National Police. It includes the establishment of regional coordination mechanisms; training in all aspects of policing; and enhancing operational capacity, including equipment and infrastructure.

47. The Government has also initiated a census of the National Defence Forces and is preparing a similar process for personnel of the Burundi National Police with support from international partners. In the meantime, the downsizing of the National Defence Forces and the Burundi National Police has continued through the national demobilization, reinsertion and reintegration programme financed by the Multi-country Demobilization and Reintegration Programme. As at 16 November, 3,779 members of the National Defence Forces and the Burundi National Police had been demobilized, bringing the total number of former combatants to 24,105, including 506 women and 3,041 minors. The strength of the National Defence Forces remains at 27,000. It is therefore not expected that the Government will meet its commitment to reduce its strength to 25,000 by 31 December, in accordance with its letter of demobilization policy of 19 February 2004. In its discussions with the

international financial institutions, the Government has agreed on a set of remedial measures addressing this issue.

48. BINUB and the Government have developed four projects for funding under the Peacebuilding Fund in support of security sector reform. The first is expected to reduce friction by removing the National Defence Forces from population centres, through the rehabilitation of 14 barracks. Implementation of the project is expected to start on 15 January and to be completed by April 2008. The second project supports the professionalization of National Defence Forces personnel through the provision of discipline and leadership training. A third project supports the operational capacity of the Burundi National Police by providing equipment for data processing as well as transport facilities. The last project has been developed to support the reform of the intelligence services, including by clarifying its mandate at the national level, strengthening its oversight bodies and enhancing its professional and technical capacities. The implementation of these three projects is also expected to commence in early 2008.

Small arms

49. The lack of progress towards reducing the proliferation of small arms and light weapons during the reporting period was partly due to the precarious political and security situation. The very limited capacity of the National Technical Commission for Civilian Disarmament was also a delaying factor. In this regard, the implementation of an effective, comprehensive civilian disarmament programme and the adoption of a national legal framework regulating the civilian ownership of weapons are key peace consolidation tasks that have yet to be accomplished.

50. At the end of November, BINUB will convene a workshop for Commission members to build their technical capacities in this area. A project funded under the Peacebuilding Fund developed by BINUB and the Government in support of the Commission is in its early stages of implementation. The project includes a sensitization campaign and pilot disarmament activities. In the meantime, civil society and media networks have been established and sensitized on the issue. They are now expected to contribute to the Commission's outreach efforts in early 2008. The first pilot disarmament programme is expected to start by mid-2008.

Human rights

51. Overall, the human rights situation in the country deteriorated further, notably due to politically motivated violations. Since the end of September, these violations, including the harassment of supporters of the former CNDD-FDD President, decreased considerably. While there was a reduction in violations committed by members of the National Defence Forces, those committed by members of the Burundi National Police remained very high. Widespread arbitrary arrests and detentions were also recorded during the reporting period. Furthermore, the political commitment of the Government to stem impunity has yet to be translated into concrete action. In this regard, investigations into the Gatumba and Muyinga massacres of 2004 and 2006, respectively, have not been concluded, nor have any of the perpetrators been brought to justice.

52. Sexual violence against women and children remains an issue of particular concern. Of the several hundred rape cases reported to BINUB during the reporting period, only a few were reported to the national authorities. Moreover, only a small percentage of prosecuted offenders were sentenced.

53. To help address these human rights violations, BINUB has continued to work closely with national authorities, including through weekly meetings with the leadership of the national security services to follow up on violations perpetrated by their members. BINUB has also conducted numerous awareness and capacity-building activities for representatives of the Government, media, trade unions, civil society and the general population. In addition, BINUB has developed a regional strategy framework to end sexual violence and has worked to ensure the incorporation of the protection of women's rights in the national training programmes for the National Defence Forces and the Burundi National Police.

54. BINUB has provided technical assistance in preparation for the establishment of a national independent human rights commission in Burundi. Nationwide awareness-raising and information workshops, as well as a validation session, have been completed. The drafting of a legal framework for the Commission is also in progress. On 2 November, the Ministry of National Solidarity, Human Rights and Gender, in collaboration with BINUB, organized a validation workshop for the draft law on the commission. At the workshop, the Minister of National Solidarity reiterated her commitment to accelerate the establishment of the commission. The revised draft law is expected to be submitted to the Government shortly for further review prior to adoption by Parliament. The operationalization of an independent and well-resourced national independent human rights commission would constitute the achievement of an important benchmark outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1).

Justice sector reform

55. Limited progress was achieved towards the development of a comprehensive legal and judicial reform strategy that would ensure the independence and efficacy of the judicial system. Although the Ministry of Justice has adopted a sectoral reform plan, its implementation remains slow. In addition, the lack of well-trained personnel continues to hamper the functioning of the justice system.

56. The number of individuals in pretrial detention remained high, while the draft penal code was not adopted due to the paralysis in Parliament. In September, BINUB, in collaboration with national experts, suggested amendments to the draft law on the reform of the code of criminal procedure. Key proposed changes include improvement in the law pertaining to juveniles.

57. In support of judicial reform, BINUB and the Government developed and formally launched during the reporting period two projects funded under the Peacebuilding Fund. The first project involves the renovation and construction of 17 magistrates courts, to be completed by mid-2008. The second project involves the training of magistrates in the execution of judgements. So far, 176 magistrates and 70 clerks and bailiffs from eight provinces have been trained under this project, which is expected to be completed at the end of November.

58. Additional initiatives on juvenile justice, prison overcrowding and needs of pretrial detainees are also under way. BINUB, the General Directorate for Penitentiary Affairs and other stakeholders established a working group in September to monitor prison overcrowding and to seek durable solutions to this problem. In October, a pilot project on juvenile justice was launched in Ngozi to train Government and civil society representatives on international juvenile justice standards and to draft a comprehensive action plan for 2008.

Transitional justice

59. Notable progress has been achieved towards the establishment of transitional justice mechanisms during the reporting period. On 2 November, the First Vice-President and my Executive Representative signed a framework agreement on the establishment of a Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms in Burundi. The Committee is composed of two representatives each from the Government, civil society and BINUB. At the signing ceremony, President Nkurunziza pledged to personally ensure that the population would be free to express its views on the matter. The Committee will work on the strategy and implementation measures for national consultations, which it will supervise before drafting its final report. The consultation process is expected to be completed in one year.

60. BINUB also organized awareness-raising and information activities on transitional justice and collaborated with civil society in developing methodologies to enable them to participate in the work of the Tripartite Steering Committee. The successful conclusion of a national consultative process on the establishment of a truth and reconciliation commission is an important benchmark and will enable Burundi to progress on this key peace consolidation task. Further discussions between the Government and the United Nations are however still required, to reach a common understanding on the relationship between the proposed truth and reconciliation commission and the special tribunal.

Humanitarian situation

61. Despite the prevalence of extreme poverty, the overall humanitarian situation improved in some parts of the country during the reporting period, with the second agricultural season in 2007 yielding a 5 per cent increase compared with 2006. However, the coffee harvest during this season was very poor, resulting in a decrease in earnings. Food deficits have persisted throughout 2007 and affect a significant number of people, particularly single parent households, households headed by minors, persons with disabilities or HIV/AIDS and recent returnees. This situation is compounded by the significant rise in prices for basic commodities and seeds.

62. Preparation for the first 2008 agricultural season was completed in mid-October. The Food and Agriculture Organization of the United Nations (FAO) distributed agricultural kits, including seeds and equipment, to an estimated 200,000 vulnerable households. FAO also organized seed fairs in collaboration with other partners, allowing farmers to acquire more productive varieties of seeds. To mitigate the risk of families consuming the seeds, the World Food Programme (WFP) has

simultaneously distributed food rations to 100,000 of the most vulnerable families. WFP requires 10,000 metric tons to complete its planned activities until March 2008. WFP is also supporting an estimated 200,000 children through primary school feeding activities.

63. Having assessed that Burundi no longer faces an acute humanitarian crisis, the Government and the United Nations agreed in September not to launch a Consolidated Appeal Process for Burundi in 2008. On 16 October, the Ministry of Interior established a national body responsible for disaster management. It is expected that the Office for the Coordination of Humanitarian Affairs will conclude its operations in Burundi by the end of June 2008. Should the BINUB mandate be extended, a small early recovery unit will be established in BINUB as of July 2008 to assist my Executive Representative in his Humanitarian Coordinator functions and in support of the BINUB mandate to coordinate United Nations activities.

Refugee returns and community recovery

64. A total of 33,036 Burundian refugees returned between January and November, mostly from the United Republic of Tanzania. Significant fluctuations in the pace of return were observed, with 10,588 repatriating voluntarily in August alone. Since 10 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) has increased its assistance to returnees from the United Republic of Tanzania with the distribution of the equivalent of $50 cash grants per person. In August, WFP increased its food assistance for these returnees from four to six months. Both measures, along with improved food security in Burundi, may have contributed to the increased returns.

65. During the reporting period, the Government of the United Republic of Tanzania reiterated its call for Burundian refugee camps in the United Republic of Tanzania to be closed by 31 December. It nevertheless reiterated that refugee returns would remain voluntary. On 4 June, the Tripartite Commission on the Voluntary Repatriation of Burundian Refugees living in the United Republic of Tanzania (Burundi, the United Republic of Tanzania and UNHCR) agreed to develop a comprehensive strategy for the over 200,000 Burundian refugees who have taken up residence in the United Republic of Tanzania since 1972, most of whom have not returned due to limited reintegration perspectives.

66. In July, an integrated Steering Commission for the Repatriation and Reintegration of Returnees was established in Burundi. The Commission comprises representatives of four ministries, donors, BINUB, UNHCR, WFP, and the United Nations Children's Fund (UNICEF), with the Office for the Coordination of Humanitarian Affairs and UNDP providing its secretariat. The Commission provides a coherent and integrated response to the basic needs of the returnees and displaced and expelled persons, as well as the needs of the host communities, including the promotion of cohesion and reconciliation. This Commission oversees the development of the related new joint programme mentioned in paragraph 37 above.

67. From 7 to 11 May, a joint assessment led by UNHCR and WFP examined conditions in four provinces with high rates of returnees. Despite the economic challenges facing the returnees, the mission concluded that they were not discriminated against, notwithstanding isolated cases. However, it was determined that these provinces faced major food security challenges and had very limited

opportunities for income generation and access to services. During the reporting period, UNHCR provided building materials to 6,750 families. An extension of this shelter programme is foreseen for 2008.

68. As at 16 November, 8,902 Burundians had been expelled from the United Republic of Tanzania in 2007. UNICEF, the Burundian Red Cross and the Government project for the reintegration of war-affected persons continue to provide assistance, with support from the European Union and the European Commission Humanitarian Aid Office (ECHO). Meanwhile, the demand by Congolese refugees in Burundi to be transferred from urban centres to refugee camps led to the saturation of available camps during the reporting period. In June, UNHCR reopened a transit centre in Ngozi, where some 4,809 Congolese refugees were registered. WFP also continues to assist Congolese refugees in UNHCR-run camps.

69. As part of the UNDP managed programme started in 2005, the United Nations in Burundi has continued to support community recovery through projects to rehabilitate infrastructure as well as through promoting food security and income-generating activities in five provinces. These activities were extended to three other provinces during the reporting period, including construction of houses, classrooms, vocational training centres, outdoor markets and agricultural support facilities. Direct beneficiaries include returnees, displaced persons, demobilized combatants, and other vulnerable groups. Two projects funded by the Peacebuilding Fund and supported by the United Nations Development Fund for Women (UNIFEM) and UNFPA, help empower women and youth to participate in peacebuilding and community recovery.

Economic situation

70. The socio-economic situation during the reporting period was characterized by acute budgetary constraints and a significant increase in the price of basic commodities, in particular food and petrol. Combined with the Government's failure to implement the announced 34 per cent salary increase for civil servants, the situation has led to widespread discontent and social tensions. Since October, trade unions have expressed their intention to strike, with secondary schoolteachers, nurses and non-magistrate personnel in the Ministry of Justice already engaged in strikes.

71. With support from UNDP and BINUB, the Government of Burundi prepared a priority action plan for the implementation of Burundi's poverty reduction strategy paper. The priority action plan was presented at the donor round-table conference in Bujumbura in May. While pledges of $681.24 million exceeded Burundi's request for $640.9 million, the release of funds has been delayed owing to a number of factors, including the postponement of the conclusion of the sixth review by the International Monetary Fund (IMF) of the Poverty Reduction and Growth Facility; poor management of public finances; weak institutional capacity; and the lack of a credible aid coordination monitoring and evaluation framework. In this regard, a joint mechanism is being established to ensure coordination and linkage between development efforts and peace consolidation priorities. This mechanism, to be known as the Partners' Coordination Group, brings together relevant ministries and key national and international partners.

72. The Government's reported double-payment of bills — estimated at several million dollars — to a company that imports oil into Burundi has further weakened the Government's position in relation to the international financial institutions and donors. These allegations of corruption at the highest level prompted the resignation of Finance Minister Denise Sinankwa. An international arrest warrant has been issued against her and the former Governor of the Central Bank has been arrested, while other prominent political actors allegedly implicated are under investigation.

73. In order to gain time to redress the fiscal deficits and deal with related governance issues, the Government requested an extension of negotiations to conclude the sixth IMF review. On 7 November, an IMF mission concluded that the Government had taken appropriate measures to address the corruption case referred to in paragraph 72 above. The mission also found that Burundi's macroeconomic situation was satisfactory and announced its readiness to provide letters of assessment to donors to permit the release of pledged budgetary support.

74. IMF has revised estimates for Burundi's 2007 economic growth from 5 to 3.5 per cent, mainly owing to the poor performance of the coffee sector, Burundi's main export commodity. However, IMF commended Burundi's 7 per cent inflation rate and highlighted the Government's efforts in this regard. IMF forecasts a 6 per cent economic growth and inflation rate for 2008. The sixth annual review is expected to be concluded in January 2008.

VI. Financial aspects

75. By its resolution 61/258, the General Assembly appropriated an amount of $33,080,400 for BINUB for the period from 1 January to 31 December 2007. Subject to the extension of the mandate of BINUB beyond 31 December 2007, the cost of maintaining BINUB for 2008 has been included in the proposed programme budget for the biennium 2008-2009 in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council.

VII. Observations

76. The peace consolidation process in Burundi has passed through a difficult period in the past six months. The political crises and institutional paralysis, along with the blockage in the peace process, underscores the fragility of the situation and the continued need for vigilance. The deterioration of the overall security situation and the continued human rights violations are of particular concern.

77. The appointment of an inclusive Government on 14 November is an encouraging development in the peace consolidation process because the new Government's composition is in full compliance with the spirit and the letter of the Constitution. Despite many hurdles, President Nkurunziza's perseverance in dialogue with UPRONA and FRODEBU have led to this positive outcome. He is to be commended, along with the leaders of those parties, for the leadership and the flexibility in ending the political crisis that had heightened tensions and delayed the implementation of key peace consolidation tasks.

78. National and international expectations are high. While adhering to the democratic principles, political parties must now work in good faith to redress Parliament's minimal legislative output in 2007, and accelerate the adoption of critically needed laws. The new Government must also focus efforts to address in earnest the many outstanding peace consolidation and reconstruction challenges that have been put in abeyance during the political crises of the past months.

79. The Government's highest priority should be to successfully conclude the last phase of the peace process. There is an urgent need for the resumption and early implementation of the comprehensive ceasefire agreement within an overall political framework that addresses the concerns of the Government and FNL. While I commend the Government's restraint thus far, I am very concerned about the humanitarian and security consequences of a prolonged stalemate. I call upon the new Government and FNL to meet the aspirations of all Burundians and seize this opportunity by engaging in good faith on the issues that have hindered progress to date. In the meantime, it is imperative that FNL resume its participation in the Joint Verification and Monitoring Mechanism without delay or preconditions.

80. I wish to express my gratitude for the ongoing efforts of the Regional Peace Initiative and the South African Facilitation to reactivate the peace process. I also wish to reaffirm the United Nations full confidence in the Facilitator, South African Minister for Safety and Security, Charles Nqakula. The continued support and strong engagement of regional and international partners will be crucial for the successful conclusion of the process by 31 December as stipulated by the African Union. In this regard, the parties should be strongly encouraged to agree on a road map of sequenced steps and clear time frames for the successful implementation of the agreement. I also encourage the Security Council and the African Union to explore additional ways to support the process.

81. To allay national and international concerns regarding accountability and transparent management, the implementation of the much-needed governance reforms and the fight against corruption should also be very high on the new Government's agenda. The initial steps taken to fight corruption are commended and I welcome the constructive dialogue between the Government, the World Bank and IMF over the past months. It is hoped that the conclusion of the sixth IMF review would enable donors to disburse the much-needed budgetary and other support pledged during the May round table. Such support is crucial to addressing the pressing demands for basic services and for creating socio-economic incentives for peace.

82. The Government also needs to take concrete steps towards fighting impunity and significantly reducing the human rights violations committed by the national security forces. In this connection, reinforced efforts should now be directed towards the implementation of concrete and tangible reforms in the justice and security sectors with the support of international partners.

83. The demands for recovery at the community level are urgent, given the extreme poverty and stagnating development indicators. There is a pressing need to create an environment conducive to the return of refugees and communities receiving former combatants and returnees and those displaced by the conflict requiring special attention. The commitment of the Government of the United Republic of Tanzania to the voluntary return of Burundian refugees in the United Republic of Tanzania is welcomed.

84. I am encouraged by the Peacebuilding Commission's close engagement on Burundi. The Strategic Framework for Peacebuilding is an important document that outlines the priorities and commitments of all stakeholders. It is hoped that the establishment of the Framework's monitoring and tracking mechanism will further strengthen the relationship between the Commission and Burundi. Once these mechanisms are in place, I urge the Commission to put additional emphasis on sustaining international attention on Burundi and facilitating the marshalling of resources for peacebuilding and reconstruction efforts in the country.

85. The establishment of the Tripartite Steering Committee for National Consultations on Transitional Justice is an important step forward towards national reconciliation, a key task for the consolidation of peace. The inclusion of civil society in this process is particularly welcomed. I urge the Government to accelerate the consultation process, and to work with the United Nations on reaching a common understanding on the remaining pending issues regarding the establishment of the truth and reconciliation commission and the special tribunal.

86. In view of the persisting peace consolidation challenges, I believe that the role of BINUB remains critical to support the efforts of Burundians to sustain peace and promote national reconciliation. Therefore, I recommend that the Security Council extend the mandate of BINUB for an additional 12-month period, following the expiration of the current mandate on 1 January 2008.

87. Since January 2007, the efforts of BINUB and resources have been largely devoted to integrating United Nations activities at the strategic, programmatic and operational levels, as well as establishing the necessary coordination mechanisms with the Government, the Peacebuilding Commission, and other partners. BINUB has also invested considerable resources in supporting national partners to develop and begin implementing projects funded through the Peacebuilding Fund. With these strategies and structures in place, and should the Security Council renew its mandate, BINUB will focus in the next phase on fully implementing the planned activities in support of achieving the benchmarks outlined in the addendum to the report of the Secretary-General (S/2007/429/Add.1), with particular emphasis on the most critical political and security challenges.

88. In this regard, I feel that BINUB should play a more robust role in support of the peace process between the Government and FNL, in full coordination with regional and international partners and in accordance with its mandate. BINUB should continue to provide political and technical support to help national actors address the root causes of the conflict, prevent a relapse into conflict and create an environment conducive to recovery and development.

89. In conclusion, I wish to express my appreciation to my Executive Representative for Burundi, Youssef Mahmoud, and all BINUB personnel for their work in support of consolidating peace in Burundi. My appreciation also goes to all United Nations personnel, non-governmental organizations and bilateral and multilateral donors for their generous contributions and sustained support to the cause of peace in that country.